

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTIETH LEGISLATURE

FIFTY-NINTH LEGISLATIVE DAY
WEDNESDAY, MARCH 10, 2010

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Nielsen. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Katrine Franks, Page.

Approval of Journal

March 10, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-eighth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

March 9, 2010

Mr. Speaker:

I return herewith enrolled [HCR 39](#) and [HCR 45](#) which have been signed by the President.

WOOD, Secretary

Enrolled [HCR 39](#) and [HCR 45](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

March 9, 2010

Mr. Speaker:

I transmit herewith [S 1343](#) and [S 1349](#) which have passed the Senate.

WOOD, Secretary

[S 1343](#) and [S 1349](#) were filed for first reading.

March 9, 2010

Mr. Speaker:

I transmit herewith [S 1340](#), as amended, [S 1365](#), as amended, [S 1378](#), as amended, [S 1392](#), [S 1393](#), [S 1394](#), [S 1395](#), and [S 1396](#) which have passed the Senate.

WOOD, Secretary

[S 1340](#), as amended, [S 1365](#), as amended, [S 1378](#), as amended, [S 1392](#), [S 1393](#), [S 1394](#), [S 1395](#), and [S 1396](#) were filed for first reading.

March 9, 2010

Mr. Speaker:

I return herewith [H 391](#), as amended, which has passed the Senate.

WOOD, Secretary

[H 391](#), as amended, was referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 10, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 59](#), [HCR 60](#), [H 643](#), [H 644](#), [H 645](#), [H 646](#), [H 647](#), [H 648](#), [H 649](#), [H 650](#), [H 651](#), and [H 652](#).

CLARK, Chairman

[HCR 59](#) was referred to the Agricultural Affairs Committee.

[HCR 60](#) was referred to the State Affairs Committee.

[H 643](#), [H 650](#), and [H 651](#) were referred to the Education Committee.

[H 644](#) and [H 646](#) were referred to the Commerce and Human Resources Committee.

[H 645](#) was referred to the Revenue and Taxation Committee.

[H 647](#), [H 648](#), [H 649](#), and [H 652](#) were filed for second reading.

March 10, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 414](#) and [H 386](#), as amended.

CLARK, Chairman

The Speaker announced he was about to sign enrolled [H 414](#) and [H 386](#), as amended, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 9, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 605](#), [H 613](#), [S 1312](#), and [S 1371](#) and recommend that they do pass.

CLARK, Chairman

[H 605](#), [H 613](#), [S 1312](#), and [S 1371](#) were filed for second reading.

March 9, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [S 1341](#) and report it back with amendments attached to be placed on General Orders for consideration.

CLARK, Chairman

[S 1341](#) was placed on General Orders for consideration.

March 9, 2010

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [S 1286](#), [S 1328](#), and [S 1342](#) and recommend that they do pass.

STEVENSON, Chairman

[S 1286](#), [S 1328](#), and [S 1342](#) were filed for second reading.

March 9, 2010

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [H 407](#) and [H 532](#) and report them back with amendments attached to be placed on General Orders for consideration.

STEVENSON, Chairman

[H 407](#) and [H 532](#) were placed on General Orders for consideration.

March 10, 2010

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 636](#) and recommend that it do pass.

NONINI, Chairman

[H 636](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 61 BY WAYS AND MEANS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF INSURANCE RELATING TO CONTINUING EDUCATION.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Department of Insurance relating to Continuing Education is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 18.01.53, Rules Governing Continuing Education, Section 024, Credit for Individual Study Programs, Subsection 01, Requirements for Credit of Independent Study Programs, only, Rules of the Department of Insurance, adopted as a pending rule under Docket Number 18-0153-0901, be, and the same is hereby rejected and declared null, void and of no force and effect.

HOUSE CONCURRENT RESOLUTION NO. 62 BY WAYS AND MEANS COMMITTEE

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND REQUESTING THE HEALTH QUALITY PLANNING COMMISSION WITHIN THE DEPARTMENT OF HEALTH

AND WELFARE TO COMPLETE CERTAIN TASKS REGARDING ALZHEIMER'S DISEASE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Alzheimer's disease is a leading cause of death of Idahoans; and

WHEREAS, 41% of the over 12,000 Idahoans living in nursing homes have moderate to severe dementia; and

WHEREAS, some 26,000 Idahoans will be living and dying with Alzheimer's disease in 2010; and

WHEREAS, with an aging population in Idaho, the incidence of Alzheimer's disease in this state is expected to increase; and

WHEREAS, of all the conditions that threaten the public, dementia may have the broadest impact, affecting the minds, bodies and souls of those afflicted and their primary caregivers.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Health Quality Planning Commission within the Department of Health and Welfare is encouraged to:

- (1) Examine the public health impact and the financial, emotional and care burden of Alzheimer's disease and other dementias on persons with Alzheimer's disease and on state government;
- (2) Review state policies and practices concerning Alzheimer's disease;
- (3) Assess current and expected future demand for industries, services and resources addressing the needs of persons with Alzheimer's disease, their families and their caregivers; and
- (4) Develop a state Alzheimer's disease and other dementias strategic plan with broad public and private sector input.

HOUSE CONCURRENT RESOLUTION NO. 63 BY REVENUE AND TAXATION COMMITTEE

A CONCURRENT RESOLUTION

COMMENDING KRISTIN ARMSTRONG FOR HER SUPERIOR ATTITUDE AND CONDUCT AND FOR HER ACCOMPLISHMENTS AT THE 2008 SUMMER OLYMPICS IN BEIJING, CHINA.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Kristin Armstrong has been a longtime inhabitant of Idaho and currently resides in Boise; and

WHEREAS, Kristin Armstrong holds a Bachelor of Science degree in sports physiology from the University of Idaho College of Education; and

WHEREAS, Kristin Armstrong is a community-minded volunteer who promotes physical fitness and health and serves as an ambassador to the YMCA of Boise; and

WHEREAS, Kristin Armstrong has devoted her life to becoming a world-class athlete; and

WHEREAS, Kristin Armstrong has achieved her goals with rapid and inspiring success; and

WHEREAS, Kristin Armstrong has quickly climbed to the top of her profession, becoming one of the most accomplished American cyclists of all time in the face of great adversity, winning all of her cycling victories after being diagnosed with osteoarthritis in 2001; and

WHEREAS, Kristin Armstrong is a two-time USA Cycling National Road Race Champion, three-time USA Cycling National Time Trial Champion, 2006 and 2009 World Time Trial Champion and the Individual Time Trial Gold Medalist of the 2008 Summer Olympics, making her the second American

female cyclist ever to claim an Olympic gold medal and the first Boise resident to win an Olympic gold medal; and

WHEREAS, Kristin Armstrong is respected throughout the world as a fierce cycling competitor but also as a friendly compatriot when the race is over; and

WHEREAS, Kristin Armstrong's performance in the 2008 Summer Olympics has inspired an interest in cycling which promotes a healthy life style and enhances the image of the state of Idaho as a vibrant cycling community; and

WHEREAS, Kristin Armstrong is a positive and inspirational role model for all of us.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize and honor Kristin Armstrong for her superior attitude and conduct, her medal winning performance at the 2008 Summer Olympics in Beijing, China, and for the pride and inspiration she brings to Idaho and America.

[HCR 61](#), [HCR 62](#), and [HCR 63](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 653
BY WAYS AND MEANS COMMITTEE
AN ACT**

RELATING TO THE CHILD PROTECTIVE ACT; AMENDING SECTION 16-1633, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DUTIES OF A GUARDIAN AD LITEM AND TO MAKE A TECHNICAL CORRECTION.

**HOUSE BILL NO. 654
BY WAYS AND MEANS COMMITTEE
AN ACT**

RELATING TO GEOTHERMAL RESOURCES; AMENDING SECTION 47-1608, IDAHO CODE, TO PROVIDE FOR THE RETURN OF POSTED BONDS UNDER SPECIFIED CONDITIONS AND TO PROVIDE FOR POSTING OF BOND UNDER SPECIFIED CONDITIONS.

**HOUSE BILL NO. 655
BY WAYS AND MEANS COMMITTEE
AN ACT**

RELATING TO GEOTHERMAL RESOURCES; AMENDING SECTION 47-1605, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ROYALTIES ASSOCIATED WITH GEOTHERMAL RESOURCE LEASES AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 656
BY WAYS AND MEANS COMMITTEE
AN ACT**

RELATING TO THE IDAHO HOSPITAL ASSESSMENT ACT; AMENDING SECTION 56-1401, IDAHO CODE, TO REVISE LEGISLATIVE INTENT; AMENDING SECTION 56-1402, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 56-1403, IDAHO CODE, TO REVISE THE APPROPRIATION STATUS OF THE HOSPITAL ASSESSMENT FUND AND TO PROVIDE ADDITIONAL PURPOSES FOR THE FUND; AMENDING SECTION 56-1404, IDAHO CODE, TO REVISE HOW ASSESSMENTS ARE TO BE DETERMINED FOR ALL HOSPITALS AND FOR PRIVATE IN-STATE HOSPITALS AND TO REVISE

HOW THE ASSESSMENT BASE IS DETERMINED; AMENDING SECTION 56-1406, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REVISE HOW THE UPPER PAYMENT LIMIT DISTRIBUTIONS ARE TO BE DETERMINED FOR CERTAIN YEARS; REPEALING SECTIONS 56-1401, 56-1402, 56-1403, 56-1404 AND 56-1406, IDAHO CODE, RELATING TO THE IDAHO HOSPITAL ASSESSMENT ACT; AMENDING CHAPTER 14, TITLE 56, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 56-1401, 56-1402, 56-1403, 56-1404 AND 56-1406, IDAHO CODE, TO PROVIDE A SHORT TITLE AND LEGISLATIVE INTENT, TO DEFINE TERMS, TO ESTABLISH AND PROVIDE FOR THE HOSPITAL ASSESSMENT FUND, TO PROVIDE FOR HOSPITAL ASSESSMENTS AND TO PROVIDE FOR INPATIENT AND OUTPATIENT ADJUSTMENT PAYMENTS; PROVIDING LEGISLATIVE INTENT; PROVIDING A SUNSET DATE; PROVIDING AN EFFECTIVE DATE; AND REPEALING SECTION 2, CHAPTER 91, LAWS OF 2008.

**HOUSE BILL NO. 657
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO IMMUNIZATION ASSESSMENTS; AMENDING SECTION 41-6002, IDAHO CODE, AS ADDED BY HOUSE BILL NO. 432, SECOND REGULAR SESSION OF THE SIXTIETH IDAHO LEGISLATURE, TO REVISE A DEFINITION; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND PROVIDING A SUNSET DATE.

**HOUSE BILL NO. 658
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO SALES AND USE TAXES; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 46, TITLE 63, IDAHO CODE, TO PROVIDE DEFINITIONS, TO PROVIDE A STATEMENT OF FINDINGS AND INTENT, TO PROVIDE DUTIES OF THE STATE TAX COMMISSION AND TO PROVIDE FOR PERSONS TO CONSULT WITH THE COMMISSION, TO PROVIDE THAT THE AGREEMENT DOES NOT PREEMPT STATE LAW, TO PROVIDE FOR PROPOSED LEGISLATION TO IMPLEMENT THE PROVISIONS OF THE STREAMLINED SALES AND USE TAX AGREEMENT AND TO PROVIDE FOR DISTRIBUTION OF THE PROPOSED LEGISLATION.

[H 653](#), [H 654](#), [H 655](#), [H 656](#), [H 657](#), and [H 658](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1343](#), by Resources and Environment Committee, was introduced, read the first time by title, and held at the Desk.

[S 1349](#), by Transportation Committee, was introduced, read the first time by title, and held at the Desk.

[S 1340](#), as amended, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

[S 1365](#), as amended, by Education Committee, was introduced, read the first time by title, and referred to the Education Committee.

[S 1378](#), as amended, by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

[S 1392](#), [S 1393](#), [S 1394](#), [S 1395](#), and [S 1396](#), by Finance Committee, were introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 641](#) and [H 642](#), by Appropriations Committee, were read the second time by title and filed for third reading.

[H 630](#) and [H 596](#), as amended, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

[H 617](#), [H 593](#), as amended, [H 433](#), as amended, [H 602](#), as amended, and [H 604](#), as amended, by State Affairs Committee, were read the second time by title and filed for third reading.

[H 534](#) and [H 537](#), as amended, by Health and Welfare Committee, were read the second time by title and filed for third reading.

[S 1315](#), by Health and Welfare Committee, was read the second time by title and filed for third reading.

[SCR 113](#), by McGee, was read the second time by title and filed for third reading.

[H 624](#), by Education Committee, was read the second time by title and filed for third reading.

[S 1367](#), by Education Committee, was read the second time by title and filed for third reading.

[S 1379](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[S 1388](#), by Finance Committee, was read the second time by title and filed for third reading.

[H 583](#), as amended, by Business Committee, was read the second time by title and filed for third reading.

[H 524](#), as amended, by Judiciary, Rules, and Administration Committee, was read the second time by title and filed for third reading.

[H 556](#), as amended, by Resources and Conservation Committee, was read the second time by title and filed for third reading.

[H 548](#), as amended, by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

[H 608](#), as amended, by Ways and Means Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 462](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Cronin to open debate.

The question being, "Shall [H 462](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Chadderdon, Chavez,

Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Mr. Speaker. Total – 66.

NAYS – Burgoyne, Wood(35). Total – 2.

Absent and excused – Nielsen, Smith(24). Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 462](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 554](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall [H 554](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Chadderdon, Chavez, Chew, Clark, Collins, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27). Total – 62.

NAYS – Boyle, Burgoyne, Crane, Harwood, Trail, Wood(35), Mr. Speaker. Total – 7.

Absent and excused – Nielsen. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 554](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 620](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Smith(30) to open debate.

The question being, "Shall [H 620](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bell, Bilbao, Black, Block, Boe, Bolz, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Lake, Loertscher, Luker, Marriott, Mathews, Palmer, Pasley-Stuart, Pence, Ringo, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Trail, Wills, Mr. Speaker. Total – 50.

NAYS – Barrett, Bedke, Boyle, Hagedorn, Hart, Hartgen, Harwood, Labrador, McGeachin, Moyle, Nonini, Patrick, Raybould, Roberts, Shepherd(08), Thayn, Thompson, Wood(27), Wood(35). Total – 19.

Absent and excused – Nielsen. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 620](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[HCR 51](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hartgen to open debate.

The question being, "Shall [HCR 51](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Clark, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jarvis, King, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nonini, Palmer, Pasley-Stuart, Pence, Raybould, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – Chew, Durst, Jaquet, Killen, Ringo. Total – 5.

Absent and excused – Kren, Nielsen, Patrick. Total – 3.
Total – 70.

Whereupon the Speaker declared [HCR 51](#) adopted and ordered the resolution transmitted to the Senate.

[HJM 13](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood(35) to open debate.

The question being, "Shall [HJM 13](#) be adopted?"

Whereupon the Speaker declared [HJM 13](#) adopted by voice vote and ordered the memorial transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Thursday, March 11, 2010. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:27 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk